

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MICHAEL D. HARRIS,

Plaintiff,

v.

Case No: 2:20-cv-391-SPC-MRM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER¹

This matter comes before the Court on sua sponte review of this Social Security case. Defendant Commissioner of Social Security moves to dismiss pro se Plaintiff Michael D. Harris' complaint for lack of subject matter jurisdiction. ([Doc. 10](#)). The motion has been referred to the assigned Magistrate Judge, who will issue a report and recommendation on that motion for the undersigned's consideration. If the complaint survives, the assigned Magistrate Judge will issue another report and recommendation on the merits of the operative pleading for the undersigned's consideration. To expedite the proceedings, however, the parties may consent to have the Magistrate Judge

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decide all or any part of this case, including the pending motion. [28 U.S.C. § 636\(c\)](#). Consenting will allow the Magistrate Judge to decide the pending motion and/or case outright without further review from the undersigned.

To date, the parties have not indicated whether they consent to the Magistrate Judge. Of course, either party is free to withhold consent without any adverse consequence. If the parties intend to consent, the Court directs them to file the appropriate notice of consent form, attached to this Order.

Accordingly, it is now

ORDERED:

1. If applicable, the parties must file a notice of consent form **on or before October 25, 2021**.
2. The Clerk is **DIRECTED** to send pro Plaintiff Michael D. Harris copies of [AO Form 85](#) (consent for all purposes including trial), and [AO Form 85A](#) (consent for some purposes like a specific motion).

DONE and **ORDERED** in Fort Myers, Florida on October 4, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record